National Labor Relations Board



Weekly Summary of NLRB Cases

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Glenn's Trucking Co., Inc. (9-CA-35666; 344 NLRB No. 41) Hazard, KY March 21, 2005. The Board adopted the administrative law judge's recommendations, as modified, and ordered that the Respondent make whole 22 discriminatees by paying them amounts totaling \$147,483. It remanded the proceeding to the Regional Director for the limited purpose of recalculating the backpay award for Michael Hayes. [HTML] [PDF]

The judge concluded that Hayes was entitled to backpay for the entire backpay period ending September 3, 1998, the date the Respondent offered Hayes reinstatement. The Respondent, however, contended that testimony from the Board's compliance officer at the hearing revealed that Hayes filed four applications for employment between August and October 1997, and none thereafter. In agreement with the Respondent, the Board found that backpay for Hayes is tolled as of October 31, 1997 because he failed to exercise reasonable diligence in searching for work after that date and thus Hayes failed to mitigate damages thereafter.

In the underlying case reported at 332 NLRB 880 (2000), enfd. 298 F.3d 502 (6th Cir. 2002), the Board found that the Respondent violated Section 8(a)(3) and (1) of the Act by delaying the employment of, or denying employment to, 23 named discriminatees.

(Chairman Battista and Members Liebman and Schaumber participated.)

Hearing at Hazard on July 15, 2003. Adm. Law Judge Lawrence W. Cullen issued his supplemental decision Sept. 25, 2003.

PCT Services, Inc. (5-CA-31610; 344 NLRB No. 42) Fort Eustis, VA March 24, 2005. The Board granted the General Counsel's motion for summary judgment, finding that by failing and refusing to bargain collectively and in good faith with Operating Engineers Local 147, the Respondent violated Section 8(a)(5) and (1) of the Act. [HTML] [PDF]

On May 4, 2004, the Regional Director approved a bilateral informal settlement agreement entered into by the parties that required the Respondent, among others, to make whole 27 bargaining unit employees by paying them certain amounts of backpay and health and welfare benefits, plus interest, and to make contributions to the Union's pension fund on behalf of the employees. On or about September 8, 2004, the Respondent forwarded checks representing backpay, benefits, and interest payments to the Regional Director. However, the checks were not backed by sufficient funds in the bank account on which they were drawn.

By letter dated October 5, 2004, the compliance officer advised the Respondent that it had failed to comply with the terms of the settlement agreement and that its failure to remit the moneys owed by October 19, 2004 could result in a motion for summary judgment. To date, the Respondent has neither replied to the compliance officer's letter nor fully complied with the terms of the settlement agreement by satisfying its make-whole obligations to the employees listed in the settlement agreement. Pursuant to the noncompliance provision of the settlement agreement, the Board found all allegations of the January 29, 2004 complaint to be true.

(Chairman Battista and Members Liebman and Schaumber participated.)

General Counsel filed motion for summary judgment Dec. 6, 2004.

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

Woodlands Care Center of Citrus County, Inc. d/b/a Woodland Terrace of Citrus County (Service Employees Local 1199) Hernando, FL March 21, 2005. 12-CA-24042; JD(ATL)-13-05, Judge William N. Cates.

Pendleton Flour Mills, LLC (Bakery Workers Local 98G) Pendleton, OR March 17, 2005. 36-CA-9601; JD(SF)-18-05, Judge James L. Rose.

Rogers Electric, Inc. (Electrical Workers [IBEW] Local 5) Orbisonia, PA March 21, 2005. 6-CA-33880; JD-17-05, Judge John T. Clark.

Robert Crowell d/b/a Armco Masonry (Bricklayers Local 9 Michigan) Pittsfield Township, MI March 22, 2005. 7-CA-47293, et al.; JD-18-05, Judge Mark D. Rubin.

The Anthem (Individuals and Service Employees Local 32BJ) New York, NY March 23, 2005. 2-CA-36229, et al.; JD(NY)-13-05, Judge Raymond P. Green.

Unifirst Corporation (UNITE, New England Joint Board) Indian Orchard, MA March 23, 2005. 1-CA-40955, et al.; JD(NY)-16-05, Judge Joel P. Biblowitz.

Jordan Intercom Systems, Inc. (an Individual) Bronx, NY March 24, 2005. 2-CA-36205; JD(NY)-14-05, Judge Steven Davis.

Maryland State Teacher's Association (Individuals) Annapolis, MD March 24, 2005. 5-CA-31962, 31963; JD-21-05, Judge Arthur J. Amchan.

Kindred Healthcare, Inc. d/b/a Mountain Valley Care and Rehabilitation Center (Steelworkers) Kellogg, ID March 23, 2005. 19-CA-29390; JD(SF)-23-05, Judge Clifford H. Anderson.

Perfect Climate, Inc. (Sheet Metal Workers Local 66) Redmond, WA March 22, 2005. 19-CA-29256, 19-RC-14571; JD(SF)-22-05, Judge Clifford H. Anderson.

Sacred Heart Medical Center (Washington State Nurses Association) Spokane, WA March 24, 2005. 19-CA-29150; JD(SF)-21-05, Judge Mary Miller Cracraft.

Cutter of Maui, Inc. (Longshore and Warehouse Local 142) Island of Maui, HI March 24, 2005. 37-CA-6521-1; JD(SF)-25-05, Judge Jay R. Pollack.

NO ANSWER TO COMPLIANCE SPECIFICATION

(In the following case, the Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the compliance specification.)

Corbin, Ltd. (UNITE) (9-CA-40153; 344 NLRB No. 39) Huntington, WV and Cannonsburg, KY March 22, 2005. [HTML] [PDF]
